

REMARKS/ARGUMENTS

Restriction/Election

Claims 1-28 were considered to include three patentably distinct inventions, with claims 1-14 (Group I) drawn to a process of making a product, claims 15-21 (Group II) drawn to the product, and claims 22-28 (Group III) drawn to a device for making the product. The applicant disagrees. Nevertheless, *provisional election of Group II with claims 15-21 is confirmed*, and election of Group II is made *without traverse*.

35 USC § 112

Claim 15 was rejected under 35 USC § 112, second paragraph, as being indefinite for use of the term "UE", and the Examiner contends that that term could allegedly not be determined without values for C (crystallinity). The applicant disagrees. The *specification expressly provides a method for determination of crystallinity* (e.g., page 11, lines 10-19). Furthermore, the *specification also provides preferred ranges for crystallinity* (10-40%), which is also used by the Examiner in his subsequent anticipation rejection.

35 USC § 102(a) or (e)

Claim 15-21 were also rejected under 35 USC § 102 (a)/(e) as being clearly anticipated by Mizumura et al. The applicant respectfully disagrees. Claim 15 as presently amended, and claims 16-21 by virtue of their dependence on amended claim 15 expressly require that the yarn is "...undrawn delayed-quenched and dimensionally stable...".

First, *Mizumura's yarn is drawn* as pointed out by the Examiner in the present office action (page 4, fourth paragraph). This is also reiterated in numerous portions of the '504 reference (see e.g., column 5, lines 56-57, lines 63-66, column 6, lines 2-4, column 7, lines 11-15, etc.). Second, *Mizumura's yarn is solidified by cooling*, which is inconsistent with the express limitation of delayed-quenched of claim 15. Third, there is *no indication* in the '504 reference *that Mizumura's yarns are dimensionally stable* as further specifically required by the present claims. Therefore, claims 15-21 are clearly not anticipated by Mizumura et al., and the applicant request that the rejection be withdrawn.

In view of the present amendments and arguments, the applicant believes that all claims are now in condition for allowance. Therefore, the applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

RUTAN & TUCKER

A handwritten signature in black ink, appearing to read 'M. Fessenmaier', is written over a horizontal line.

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